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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Chillicothe, Dublin, Hillsboro and
Marion, Ohio)

)
)
) MB Docket No. 02-266
) RM-10557
)
)

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AUG - 2 2005

To: Office of the Secretary
Attn: Media Bureau

Federal Communications Commission
Office of Secretary

SUPPLEMENT

Citicasters Licenses, L.P., licensee of Station WMRN-FM, Marion, Ohio, and Clear Channel Broadcasting Licenses, Inc., licensee of Station WSRW-FM, Hillsboro, Ohio (collectively, "Clear Channel"), by their counsel hereby submit the following Supplement in the above-captioned proceeding.¹

1. The purpose of this Supplement is to inform the Media Bureau of a recent development relating to this proceeding. Specifically, on July 26, 2005, Clear Channel filed a FCC Form 314 application to seek approval from the Commission for the sale of Station WQIO(FM), Mt. Vernon, Ohio, to BAS Broadcasting, Inc. See BALH-20050726ACU. This sale addresses the issues concerning compliance with the radio ownership rules in Section 73.3555 raised by The Committee for Competitive Columbus Radio (the "Committee") in this proceeding. Therefore, the Bureau should dismiss Committee's *Petition for Reconsideration* as moot.

¹ Pursuant to Section 1.429(d) of the Commission's Rules, Clear Channel is contemporaneously filing a Motion to Accept this Supplement.

2. After it divests Station WQIO(FM), Clear Channel will own four (4) FM stations (WFJX(FM), WLZT(FM), WNIC(FM), and WCOL-FM) and two (2) AM stations (WTPG(AM) and WTVN(AM)) that are attributable to Clear Channel in the Columbus Arbitron Metro. Clear Channel's ownership of these stations complies with the Commission's ownership rules because the Columbus Arbitron Metro is currently a 44 station market according to BIA. And, in a Metro reported by BIA as having between 30 and 44 commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 7 commercial full-power radio stations, not more than 4 of which are in the same service (AM or FM).

3. On July 27, 2005, Clear Channel filed an application to implement the *Report and Order*² in this proceeding to move Station WMRN-FM from Marion to Dublin, Ohio. See BPH-20050726ALM. Station WMRN-FM is not currently located in the Columbus Arbitron Metro. As a result of the allocation of Channel 294B1 to Dublin, the Columbus Arbitron Metro will be a 45 station market because Dublin is located in Franklin County which is a Columbus Arbitron Metro county. Under the Commission's ownership rules, in a Metro reported by BIA as having 45 or more commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 8 commercial full-power radio stations, not more than 5 of which are in the same service (AM or FM). Thus, Clear Channel can own Station WMRN-FM.

4. Committee disagrees with this reasoning in its *Reply to Opposition* filed on July 15, 2005.³ Specifically, Committee argues that even if Clear Channel eventually divests a station before it moves Station WMRN-FM from Marion to Dublin, Ohio, Clear Channel will still be in

² 20 FCC Rcd 6305 (2005).

³ Committee also raised a number of arguments in its *Petition for Reconsideration* of the Bureau's *Report and Order* in this proceeding. These issues were adequately addressed by Clear Channel in its *Opposition*. As discussed in the *Opposition*, and reiterated here, the Bureau correctly concluded in the *Report and Order* that Committee's concentration of control and ownership issues are prematurely raised. It is established policy not to consider such issues in conjunction with an allotment rule making proceeding.

violation of the Commission's multiple ownership limit in the Columbus Arbitron Metro. Committee's reasoning, however, is based on the Columbus Arbitron Metro as a 44 station market. It ignores the fact that, as discussed above, the relocation of Station WMRN-FM to Dublin will make the Columbus Arbitron Metro a 45 station market and will thus permit any broadcast licensee to control up to 8 radio stations, up to 5 of which can be in the same service. Therefore, in this case, Clear Channel will be permitted to own an additional FM station; that station being WMRN-FM.⁴

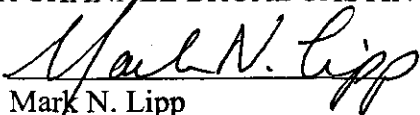
WHEREFORE, taking into account its application to divest Station WQIO(FM), Clear Channel respectfully requests that the Commission dismiss Committee's *Petition for Reconsideration* in this proceeding as moot.

Respectfully submitted,

CITICASTERS LICENSES, L.P.

CLEAR CHANNEL BROADCASTING LICENSES, INC.

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August 2, 2005

⁴ Even though BIA has not yet recognized that Station WMRN-FM is in the Columbus Arbitron Metro, the Commission must recognize that it is there for purposes of Clear Channel's application implementing the *Report and Order* in this proceeding. It would be illogical to attribute Station WMRN-FM to the Columbus Arbitron Metro to determine the number of stations attributable to Clear Channel (the numerator), but not to determine the number of stations in that Arbitron (the denominator).

CERTIFICATE OF SERVICE

I, Scott Woodworth, in the law firm of Vinson & Elkins, do hereby certify that I have on this 2nd day of August, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Motion**" to the following:

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